

### COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 3) authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 3

*Resolved*, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that the Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI).

### AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 4) authorizing the Clerk to inform the President of the election of the Speaker and the Clerk, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 4

*Resolved*, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected J. Dennis Hastert, a Representative from the State of Illinois, Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, Clerk of the House of Representatives of the One Hundred Eighth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1430

### RULES OF THE HOUSE

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 5

*Resolved*, That the Rules of the House of Representatives of the One Hundred Seventh Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Seventh Congress, are adopted as the Rules of the House of Representatives of the One Hundred Eighth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3 and 4.

#### SEC. 2. CHANGES IN STANDING RULES.—

(a) MEMBERS TO ACT AS SPEAKER PRO TEMPORE.—In clause 8(b) of rule I, add at the end the following new subparagraph:

“(3)(A) In the case of a vacancy in the office of Speaker, the next Member on the list described in subdivision (B) shall act as Speaker pro tempore until the election of a Speaker or a Speaker pro tempore. Pending such election the Member acting as Speaker pro tempore may exercise such authorities of the Office of Speaker as may be necessary and appropriate to that end.

“(B) As soon as practicable after his election and whenever he deems appropriate thereafter, the Speaker shall deliver to the Clerk a list of Members in the order in which each shall act as Speaker pro tempore under subdivision (A).

“(C) For purposes of subdivision (A), a vacancy in the office of Speaker may exist by reason of the physical inability of the Speaker to discharge the duties of the office.”.

(b) TERM OF SPEAKER.—In rule I—

(1) strike clause 9; and

(2) redesignate clause 13 as clause 9.

(c) RECESS AND CONVENING AUTHORITIES.—In clause 12 of rule I—

(1) amend the caption to read “Recess and convening authorities”; and

(2) designate the existing text as paragraph (a) and add thereafter the following new paragraphs:

“(b) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.

“(c) During any recess or adjournment of not more than three days, if the Speaker is notified by the Sergeant-at-Arms of an imminent impairment of the place of reconvening at the time previously appointed, then he may, in consultation with the Minority Leader—

“(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly; or

“(2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly.

“(d) The Speaker may convene the House in a place at the seat of government other than the Hall of the House whenever, in his opinion, the public interest shall warrant it.”.

(d) PRIVILEGES OF FLOOR.—In clause 2(a)(7) of rule IV, after “consideration” insert a comma followed by “and staff of the respective party leaderships when so assigned with the approval of the Speaker”.

(e) MEMBERSHIP OF BUDGET COMMITTEE.—In clause 5(a)(2) of rule X, amend subdivision (A)(i) to read as follows:

“(i) Members, Delegates, or the Resident Commissioner who are members of other standing committees, including five from the Committee on Appropriations, five from the Committee on Ways and Means, and one from the Committee on Rules;”.

(e-1) TENURE OF CERTAIN CHAIRMEN AND RANKING MINORITY MEMBERS.—

(1) In clause 5(a)(2) of rule X, amended subdivision (C) to read as follows:

“(C) In the case of a Member, Delegate, or Resident Commissioner elected to serve as the chairman or the ranking minority member of the committee, tenure on the committee shall be limited only by paragraph (c)(2) of this clause.”.

(2) In clause 11(a)(4) of rule X, amend subdivision (B) to read as follows:

“(B) In the case of a Member, Delegate, or Resident Commissioner appointed to serve as the chairman or the ranking minority member of the select committee, tenure on the selected committee shall not be limited.”.

(f) ASSOCIATE STAFF.—In clause 9(b) of rule X—

(1) redesignate subparagraph (2) as subparagraph (2)(A);

(2) redesignate subparagraph (3) as subparagraph (2)(B);

(3) in subparagraph (2)(B), as redesignated, insert “other than the committee on Appropriations” after “a committee”; and

(4) strike subparagraph (4).

(g) POSTPONING VOTES IN COMMITTEE.—At the end of clause 2(h) of rule XI, add the following new subparagraph:

“(4)(A) Each committee may adopt a rule authorizing the chairman of a committee or subcommittee—

“(i) to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

“(ii) to resume proceedings on a postponed question at any time after reasonable notice.

“(B) A rule adopted pursuant to this subparagraph shall provide that when proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.”.

(h) CODIFICATION OF FREESTANDING ETHICS RULES.—In clause 3 of rule XI, add at the end the following new paragraphs:

#### “COMMITTEE AGENDAS

“(f) The committee shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

#### “COMMITTEE STAFF

“(g)(1) The committee shall adopt rules providing that—

“(A) the staff be assembled and retained as a professional, nonpartisan staff;

“(B) each member of the staff shall be professional and demonstrably qualified for the position for which he is hired;

“(C) the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner;

“(D) no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;

“(E) no member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member; and

“(F) no member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

“(2) Only subdivisions (C), (E), and (F) of subparagraph (1) shall apply to shared staff.

“(3)(A) All staff members shall be appointed by an affirmative vote of a majority

of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

“(B) Subject to the approval of the Committee on House Administration, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

“(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

“(D) Outside counsel may be dismissed before the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

“(4) In addition to any other staff provided for by law, rule, or other authority, with respect to the committee, the chairman and ranking minority member each may appoint one individual as a shared staff member for his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

#### “MEETINGS AND HEARINGS

“(h)(1) The committee shall adopt rules providing that—

“(A) all meetings or hearings of the committee or any subcommittee thereof, other than any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee, shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

“(B) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

#### “PUBLIC DISCLOSURE

“(i) The committee shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

#### “REQUIREMENTS TO CONSTITUTE A COMPLAINT

“(j) The committee shall adopt rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or five legislative days, whichever is sooner, to determine whether the information meets the requirements of the rules of the committee for what constitutes a complaint.

#### “DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FILED COMPLAINTS

“(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

“(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require

action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

“(B) establish an investigative subcommittee; or

“(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

“(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

#### “DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT

“(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements of the rules of the committee for what constitutes a complaint, they may—

“(1) return the information to the complainant with a statement that it fails to meet the requirements of the rules of the committee for what constitutes a complaint; or

“(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

#### “INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEE

“(m) The committee shall adopt rules providing that—

“(1)(A) an investigative subcommittee shall be composed of four Members (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee;

“(B) an adjudicatory subcommittee shall be composed of the members of the committee who did not serve on the pertinent investigative subcommittee (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee; and

“(C) notwithstanding any other provision of this clause, the chairman and ranking minority member of the committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to information before a subcommittee with which they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee;

“(2) at the time of appointment, the chairman shall designate one member of a subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member; and

“(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee,

but may not serve as non-voting, ex officio members.

#### “STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION

“(n) The committee shall adopt rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the subcommittee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives, has occurred.

#### “SUBCOMMITTEE POWERS

“(o)(1) The committee shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

“(2) The committee shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation approved by an affirmative vote of a majority of the members of the committee.

“(3) The committee shall adopt rules to provide that—

“(A) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

“(B) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

#### “DUE PROCESS RIGHTS OF RESPONDENTS

“(p) The committee shall adopt rules to provide that—

“(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

“(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

“(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

“(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the

respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

“(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

“(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

“(5) a respondent shall receive written notice whenever—

“(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

“(B) a complaint or allegation is transmitted to an investigative subcommittee;

“(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

“(D) an investigative subcommittee votes to expand the scope of its investigation;

“(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

“(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

“(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

#### “COMMITTEE REPORTING REQUIREMENTS

“(q) The committee shall adopt rules to provide that—

“(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

“(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

“(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

“(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

“(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall

make the report together with respondent's views available to the public before the commencement of any sanction hearing; and

“(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

“(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.”

(i) JOINT REFERRAL.—In clause 2(c)(1) of rule XII, insert before the semicolon the following: “(except where he determines that extraordinary circumstances justify review by more than one committee as though primary)”.

(j) MACROECONOMIC ANALYSIS OF TAX PROPOSALS.—In clause 3(h) of rule XIII, strike subparagraphs (2) and (3) and insert in lieu thereof the following:

“(2)(A) it shall not be in order to consider a bill or joint resolution reported by the Committee on Ways and Means that proposes the Internal Revenue Code of 1986 unless—

“(i) the report includes a macroeconomic impact analysis;

“(ii) the report includes a statement from the Joint Committee on Internal Revenue Taxation explaining why a macroeconomic impact analysis is not calculable; or

“(iii) the chairman of the Committee on Ways and Means causes a macroeconomic impact analysis to be printed in the Congressional Record before consideration of the bill or joint resolution.

“(B) In subdivision (A), the term “macroeconomic impact analysis” means—

“(i) an estimate prepared by the Joint Committee on Internal Revenue Taxation of the changes in economic output, employment, capital stock, and tax revenues expected to result from enactment of the proposal; and

“(ii) a statement from the Joint Committee on Internal Revenue Taxation identifying the critical assumptions and the source of data underlying that estimate.”.

(k) PERSONAL ELECTRONIC EQUIPMENT ON FLOOR.—In clause 5 of rule XVII, strike “any personal” and all that following in the penultimate sentence and insert in lieu thereof “a wireless telephone or personal computer on the floor of the House.”.

(l) ACCOUNTING FOR VACANCIES.—In clause 5 of rule XX, add after paragraph (b) the following new paragraph:

“(c) Upon the death, resignation, expulsion, disqualification, or removal of a Member, the whole number of the House shall be adjusted accordingly. The Speaker shall announce the adjustment to the House. Such an announcement shall not be subject to appeal. In the case of a death, the Speaker may lay before the House such documentation from federal, state, or local officials as he deems pertinent.”.

(m) PROCEEDINGS DURING CALL OF HOUSE.—In clause 6(c) of rule XX, strike “the Speaker may entertain a motion that the House adjourn” and insert in lieu thereof “a motion that the House adjourn shall be in order”.

(n) FIVE-MINUTE VOTING IN SERIES.—In rule XX, amend clause 9 to read as follows:

“9. The Speaker may reduce to five minutes the minimum time for electronic voting on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting for a given series of votes was issued before the proceeding electronic vote.”.

(o) CERTAIN TAX OR TARIFF PROVISIONS.—In clause 5(a) of XXI, designate the existing text as subparagraph (1) and add thereafter the following new subparagraph:

“(2) For purposes of paragraph (1), a tax or tariff measure includes an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff.”.

(p) MOTIONS TO INSTRUCT DURING CONFERENCE.—In clause 7(c)(1) of XXII, strike “20 calendar days” and insert in lieu thereof “20 calendar days and 10 legislative days”.

(q) PRACTICE OF MEDICINE.—In clause 2 of rule XXV, insert “except for the practice of medicine” after “fiduciary relationship” in both places it appears.

(r) GIFTS OF PERISHABLE FOOD.—In clause 5(a)(1)(B) of XXV before the last sentence insert the following: “The value of perishable food sent to an office shall be allocated among the individual recipients and not the Member, Delegate, or Resident Commissioner.”.

(s) CHARITY TRAVEL.—In clause 5(a)(4)(C) of XXV, insert before the period the following: “unless—

“(i) all of the net proceeds of the event are for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

“(ii) reimbursement for the transportation and lodging in connection with the event is paid by such organization; and

“(iii) the offer of free attendance at the event is made by such organization”.

(t) PUBLIC DEBT-LIMIT LEGISLATION.—Redesignate rule XXVII as rule XXVIII and insert after rule XXVI the following new rule:

#### “RULE XXVIII

##### “STATUTORY LIMIT ON PUBLIC DEBT

“1. Upon adoption by Congress of a concurrent resolution on the budget under section 301 or 304 of the Congressional Budget Act of 1974 that sets forth, as the appropriate level of the public debt for the period to which the concurrent resolution relates, an amount that is different from the amount of the statutory limit on the public debt that otherwise would be in effect for that period, the Clerk shall prepare an engrossment of a joint resolution increasing or decreasing, as the case may be, the statutory limit on the public debt in the form prescribed in clause 2. Upon engrossment of the joint resolution, the vote by which the concurrent resolution on the budget was finally agreed to in the House shall also be considered as a vote on passage of the joint resolution in the House, and the joint resolution shall be considered as passed by the House and duly certified and examined. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action.

“2. The matter after the resolving clause in a joint resolution described in clause 1 shall be as follows: ‘That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof “\$\_\_\_\_\_”, with the blank being filled with a dollar limitation equal to the appropriate level of the public debt set forth pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 in the relevant concurrent resolution described in clause 1. If an adopted concurrent resolution under clause 1 sets forth different appropriate levels of the public debt for separate periods, only one engrossed joint resolution shall be prepared under clause 1; and the blank referred to in the preceding sentence shall be filled with the limitation that is to apply for each period.

“3. (a) The report of the Committee on the Budget on a concurrent resolution described

in clause 1 and the joint explanatory statement of the managers on a conference report to accompany such a concurrent resolution each shall contain a clear statement of the effect the eventual enactment of a joint resolution engrossed under this rule would have on the statutory limit on the public debt.

“(b) It shall not be in order for the House to consider a concurrent resolution described in clause 1, or a conference report thereon, unless the report of the Committee on the Budget or the joint explanatory statement of the managers complies with paragraph (a).

“4. Nothing in this rule shall be construed as limiting or otherwise affecting—

“(a) the power of the House or the Senate to consider and pass bills or joint resolutions, without regard to the procedures under clause 1, that would change the statutory limit on the public debt; or

“(b) the rights of Members, Delegates, the Resident Commissioner, or committees with respect to the introduction, consideration, and reporting of such bills or joint resolutions.

“5. In this rule the term ‘statutory limit on the public debt’ means the maximum face amount of obligations issued under authority of chapter 31 of title 31, United States Code, and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), as determined under section 3101(b) of such title after the application of section 3101(a) of such title, that may be outstanding at any one time.”.

(1) TECHNICAL AND CODIFYING CHANGES.—

(i) In clause 2(g) of rule II—

(a) strike “do” in each place it appears and insert in lieu thereof “perform”; and

(b) strike “done” and insert in lieu thereof “performed”.

(2) In clause 1(g)(6) of rule X, strike “organization” and insert in lieu thereof “organizations”.

(3) In clause 3(a)(1)(B) of rule XIII, strike “or (4)”.

(4) In clause 3 of rule XVIII, strike “All bills” and insert in lieu thereof “All public bills”.

(5) In clause 2(a) of rule XX, strike “9 or 10” and insert in lieu thereof “8 or 9”.

(6) In clause 8 of rule XX—

(a) amend paragraph (a)(1) to read as follows:

“(a)(1) When a recorded vote is ordered, or the yeas and nays are ordered, or a vote is objected to under clause 6—

“(A) on any of the questions specified in subparagraph (2), the Speaker may postpone further proceedings to a designated place in the legislative schedule within two additional legislative days; and

“(B) on the question of agreeing to the Speaker’s approval of the Journal, the Speaker may postpone further proceedings to a designated place in the legislative schedule on that legislative day.”; and

(b) in paragraph (a)(2), strike “the” before “subparagraph (1)”.

(7) In clause 8 of rule XX—

(a) in paragraph (b) strike “in the order in which it was considered”; and

(b) in paragraph (d) strike “in the order in which they were considered”.

(8) In clause 1 of rule XXII, strike “bill or resolution” in each place it appears and insert in lieu thereof “proposition”.

(9) In clause 12(a)(2) of rule XXII, strike “by a record vote” and insert in lieu thereof “by the yeas and nays”.

### SEC. 3. SEPARATE ORDERS.—

(a) BUDGET MATTERS.—

(1) During the One Hundred Eighth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution

shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Eighth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Eighth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Eighth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Eighth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record—

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget;

(ii) “Accounts Identified for Advance Appropriations,” which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House; and

(iii) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 of the One Hundred Seventh Congress referred to in section 211 of such concurrent resolution.

(C) The allocation referred to in section 231(d) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subparagraph (B)(i).

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Eighth Congress—

(1) the Committee on Armed Services may have not more than six subcommittees;

(2) the Committee on International Relations may have not more than six subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) NUMBERING OF BILLS.—In the One Hundred Eighth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.

(d) MOTIONS TO SUSPEND THE RULES.—During the first session of the One Hundred Eighth Congress, the Speaker may entertain motions that the House suspend the rules on Wednesdays through the second Wednesday in April as though under clause 1 of rule XV.

### SEC. 4. SELECT COMMITTEE ON HOMELAND SECURITY.

(a) ESTABLISHMENT; COMPOSITION; VACANCIES.—

(1) ESTABLISHMENT.—During the One Hundred Eighth Congress, there is established a Select Committee on Homeland Security.

(2) COMPOSITION.—The select committee shall be composed of Members appointed by the Speaker, including Members appointed on the recommendation of the Minority Leader. The Speaker shall designate one member as chairman. Service on the select committee shall not count against the limitations on committee service in clause 5(b)(2) of rule X.

(3) VACANCIES.—Any vacancies occurring in the membership of the select committee shall be filled in the same manner as the original appointment.

(b) JURISDICTION; FUNCTIONS.—

(1) LEGISLATIVE JURISDICTION.—The select committee may develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 (P.L. 107-296) as may be referred to it by the Speaker.

(2) OVERSIGHT FUNCTION.—The select committee shall review and study on the continuing basis laws, programs, and Government activities relating to homeland security.

(3) RULES STUDY.—The select committee is authorized and directed to conduct a thorough and complete study of the operation and implementation of the rules of the House, including rule X, with respect to the issue of homeland security. The select committee shall submit its recommendations regarding any changes in the rules of the House to the Committee on Rules not later than September 30, 2004.

(c) PROCEDURE.—The rules of the House applicable to the standing committees shall govern the select committee where not inconsistent with this section.

(d) FUNDING.—To enable the select committee to carry out the purposes of this resolution, the select committee may use the services of staff of the House.

(e) DISPOSITION OF RECORDS.—Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

The SPEAKER. The gentleman from Texas (Mr. DELAY) is recognized for 1 hour.

Mr. DELAY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. PELOSI) or her designee, pending which I yield myself such time as I may consume. During the consideration of the resolution, all time yielded is for debate purposes only. I ask unanimous consent that the time allocated to me be controlled by the gentleman from California (Mr. DREIER).

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I want to begin by extending congratulations to the Speaker, our majority leader, our friends in the minority and all of our colleagues on their election.

The comprehensive changes that we are proposing in H. Res. 5 seek to build on the successful reform accomplishments of the last 8 years which have helped to make the House more accountable and deliberative and have strengthened our ability to govern effectively and responsibly.

As my colleagues recall, Mr. Speaker, we overhauled the committee system, made Congress compliant with anti-discrimination and workplace safety laws, opened committee meetings to the public and press, modernized the Rules of the House to make them more understandable, and cut the number of standing rules nearly in half. In the 107th Congress, we created the Committee on Financial Services, enhanced oversight planning, strengthened performance goals and objectives, and created the Department of Homeland Security.

Our continued investments in technology are transforming the culture, operations, and responsibilities of Congress in a very positive way.

With that having been said, I want to describe some of the more significant positive rules changes we are proposing to the standing rules of the House, and those are contained in section 2 of this resolution.

Section 2(A) and section 2(C), as well as section 2(L) stem from the recommendations made by the bipartisan Continuity of Congress Task Force, which was formed following the attack of September 11, 2001, which Speaker HASTERT talked about, that was co-chaired by my friend, the gentleman from Texas (Mr. FROST) and the gentleman from California (Mr. COX), and it reviewed the rules and procedures of the House to ensure that the appropriate institutional and mechanisms were in place to respond to a catastrophic event.

The first provision amends rule 1, clause 8(b) to require the Speaker to provide to the Clerk of the House a list of Members in the order in which each shall act as Speaker pro tempore in the case of a vacancy in the office of Speaker.

Section 2(C) provides new recess and convening authorities to the Speaker in the event of an imminent threat to the safety of the House by amending clause 12 of rule 1.

Finally, Mr. Speaker, section 2(L) codifies the practice of adjusting the whole number of the House upon the death, resignation, expulsion, disqualification, or removal of a Member in rule 20, clause 5.

In the 107th Congress, rule 18 was amended to allow the Chairman of the Committee of the Whole to postpone a request for a recorded vote on any amendment. This procedure has been very helpful, as my colleagues know, Mr. Speaker, in improving the management of the floor and in dealing with the challenges of our legislative schedule. In an effort to provide committees with similar management flexibility, section 2(G) proposes to amend rule 11,

clause 2(h) to allow committees to adopt a similar rule authorizing the chairman of a committee or subcommittee to postpone certain votes and resume proceedings on a postponed question after reasonable notice. An underlying proposition would remain subject to further debate or amendment to the same extent as when the question was postponed.

During the 105th Congress, Mr. Speaker, the House adopted H. Res. 168, which included both changes to the standing rules of the House and free-standing directives to the Committee on Standards of Official Conduct. For the past two Congresses, these free-standing directives have been carried forward through a separate order.

Section 2(H) codifies these directives which address committee agenda, committee staff, meetings and hearings, public disclosure, requirements to constitute a complaint, duties of the chairman and ranking member, investigative and adjudicatory subcommittees, standard of proof for adoption of statement of alleged violation, subcommittee powers, due process rights of respondents, and committee reporting requirements.

Section 2(I) permits the joint referral of measures without designation of primary jurisdiction. This change is meant only as a minor deviation from the normal requirement under the rules for the designation of one committee of primary jurisdiction and should be exercised only in extraordinary jurisdictionally deserving instances.

Mr. Speaker, in an effort to provide more realistic estimates of tax measures, section 2(J) requires the Committee on Ways and Means to include in reports on measures amending the Internal Revenue Code of 1986 an analysis by the Joint Tax Committee on the macroeconomic impact of such legislation. This is something also known, Mr. Speaker, as dynamic scoring.

Mr. Speaker, section 2(O) of the resolution expands the application of clause 5(a) of rule 21 to include as a tax or tariff measure a floor amendment limiting funds in a general appropriation bill for the administration of a tax or tariff. The intent of this rules change is to ease the burden on the maker of a point of order from having to show a necessary, certain and inevitable change in revenue collections, tax statuses, or liability as previous precedents required, to one of showing a textual relationship between the amendment and the administration of the Internal Revenue or tariff laws.

The resolution amends clause 7(c)(1) of rule 22 to permit further motions to instruct during conference to be offered after 20 calendar days, but not less than 10 legislative days. While continuing to afford a Member a timely opportunity to offer a further motion to instruct, the modification in section 2(P) provides a more realistic timetable, especially when a conference extends over a lengthy recess and is unable to meet.

Section 2(T) creates a new rule 27 which provides for the automatic House passage of a joint resolution increasing the statutory limit on the public debt when the House agrees to a budget resolution that requires such an increase. The amount of the increase in the joint resolution conforms to the level established in the budget resolution. The final House vote on the conference report on the budget resolution shall be deemed the vote on the joint resolution. The rule is similar to the former rule 23 of the 106th Congress and prior Congresses.

The resolution also makes exceptions and clarifications to rule 25, also known as the gift rule, with regard to perishable food distributed in the office and charity travel, respectively. And, for the most part, the remaining provisions of section 2 are technical, conforming, or clarifying in nature.

Mr. Speaker, section 3 of the resolution consists of "Separate Orders" which do not change any of the standing rules of the House. These are more or less housekeeping provisions which deem certain actions or waive the application of certain rules of the House.

Section 3(A) provides for the continuation of certain budget enforcement mechanisms from the 107th Congress as well as deems the provisions of the budget resolution H. Con. Res. 353 as adopted by the House in the 107th Congress shall have effect in the 108th Congress until such time as a conference report establishing a budget for the fiscal year 2004 is adopted.

Also contained in section 3(B) is a separate order providing for the limited number of exemptions to clause 5(d) of rule 10 regarding a limitation on the number of subcommittees a committee may establish. This resolution grants the Committee on Armed Services, the Committee on International Relations, and the Committee on Transportation and Infrastructure up to six subcommittees each.

Mr. Speaker, recognizing that it takes time for committees to organize and report legislation at the beginning of a new Congress, section 3(D) provides that during the first session of this 108th Congress motions to suspend the rules shall be in order on Wednesdays from the beginning of the Congress through the second Wednesday in April, as though under clause 1 of rule 15.

Mr. Speaker, section 4 of the resolution is very important and significant, and is aimed at ensuring effective oversight of a crucial national priority, and that is what was discussed in the Speaker's address to us; namely, homeland security. The security threats to our Nation are real and dangerous. Every branch of government, including the Congress, must be an integral part of the homeland security effort.

In that regard, section 4 of the resolution establishes a Select Committee on Homeland Security for the 108th Congress with both legislative and oversight responsibilities.

The select committee would have legislative jurisdiction over matters that relate to the Homeland Security Act of 2002, Public Law 107-296. As the Act is the organic statute creating the new Department of Homeland Security, it is anticipated that the select committee would be the committee of jurisdiction over bills dealing with the new Department.

Further, the select committee would have jurisdiction over legislation amending the Act such as a bill making technical corrections to that Act. In addition to the committee of primary jurisdiction, the Speaker would have the authority to refer bills to the select committee as an additional committee, either initially or sequentially. Otherwise, the existing jurisdictional rules of the House would continue to apply during the 108th Congress.

The select committee would have oversight responsibility over laws, programs, and government activities relating to homeland security and is intended to serve as the primary coordinating committee of the House.

Mr. Speaker, until the new Department of Homeland Security is up and running, it is difficult to predict how best to reflect legislative oversight and authorization functions for the Department in the House. Furthermore, during this transitional period, it is crucial that the White House and the new Department's leadership have a central point of contact with the House. This new select committee will provide this interim capacity. It will also conduct a study of the operation of the rules of the House, including possible changes in committee jurisdiction with respect to homeland security. Those recommendations would be submitted to the Committee on Rules by September 30, 2004.

At this point, Mr. Speaker, I would like to include for the RECORD a more detailed, section-by-section summary of H. Res. 5, as well as other relevant material.

#### SECTION-BY-SECTION SUMMARY

##### SECTION 1. RESOLVED CLAUSE

The rules of the House of Representatives for the 107th Congress are adopted as the rules of the House for the 108th Congress with amendments as provided in section 2, and with other orders provided in sections 3 and 4.

##### SECTION 2. CHANGES IN STANDING RULES

(a) Speaker succession. The Speaker is required to submit to the Clerk of the House a list of Members to succeed the Speaker in the event of a vacancy in the office of the Speaker until the House reconvenes in order to elect a new Speaker. [Rule I, clause 8(b)]

(b) Repeal of Speaker term limit. This provision strikes Clause 9 of Rule I, which limits a Member to no more than 4 consecutive terms as Speaker. [Rule I, clause 9]

(c) Declaration of emergency recess. The Speaker may, when notified of an imminent threat to the House's safety, declare an emergency recess subject to the call of the Chair. Allows the Speaker to accelerate or postpone the reconvening of the House in the event of an emergency. [Rule I, clause 12]

(d) Clarification of staff access to House Floor. The practice of allowing leadership

staff with Floor responsibilities access to the House Floor is codified. [Rule IV, clause 2(a)(7)]

(e) Rules Member on Budget Committee. The Committee on the Budget shall include one member of the Committee on Rules. Codifies action taken in the 108th Republican Conference organizational meeting requiring that one Member of the Rules Committee serve on the Budget Committee. [Rule X, clause 5(a)(2)]

(f) Associate and professional staff. This change clarified that the professional staff of the Appropriations Committee shall comply with the same rules regarding their duties as the professional staff of all other House committees. Further clarifies that the associate or shared staff of the Appropriations Committee are not subject to the review of the Committee on House Administration in connection with the reporting of committee expense resolutions. This change is technical in nature [Rules X, clause 9(b)]

(g) Postponing votes in committee. Committees may adopt a rule which allows the chairman of a committee or subcommittee to postpone votes on approving a measure or matter or on adopting an amendment and to resume proceedings on a postponed question at any time after reasonable notice. An underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. [Rule XI, clause 2(h)]

(h) Incorporation of H. Res. 168 (105th) in clause 3 of Rule XI "(Committee on Standards of Official Conduct)." Over the last two consecutive Congresses the Committee on Standards of Official Conduct's operating procedure has been carried over as a separate order referencing a resolution adopted by the 105th Congress. This modification codifies the aforementioned operating procedures. [Rule XII, clause 2(c)(1)]

(i) Joint referral. Joint referral of measures without designation of primary jurisdiction will be permitted under 'exceptional circumstances.' Under this designation, the Speaker may designate more than one committee as though primary. [Rule XII, clause 2(c)(1)]

(j) Require dynamic scoring in Ways & Means reports. The Committee on Ways and Means is required to include in reports on measures amending the Internal Revenue Code of 1986 an analysis by the Joint Tax Committee on the macroeconomic impact of such legislation. The committee is not required to include such analysis if the Joint Tax Committee certifies that such analysis is not calculable. In addition, the chairman of the Ways & Means Committee may satisfy this requirement by inserting such analysis in the Congressional Record prior to the bill's consideration on the floor. [Rule XIII, clause 3(h)]

(k) Personal electronic equipment on the Floor. This provision modernizes the rules of the House to prohibit only the use of wireless telephones and personal computers on the House floor, thereby permitting the use of unobtrusive handheld electronic devices. [Rule XVII, clause 5]

(l) Accounting for vacancies. The practice of adjusting the whole number of the House in the case of vacancies in the membership is codified. [Rule XX, clause 5]

(m) Proceedings during call of House. This change clarifies that a motion to adjourn retains its normal privilege and is in order during a call of the House under clause 6 of rule XX. The former language of the rule could be interpreted to give the Speaker the discretion to entertain such motion. This change is technical in nature. [Rule XX, clause 6(c)]

(n) Five-minute voting in series. The Speaker's authority to reduce the minimum time for electronic voting following a fif-

teen-minute vote is expanded to include all succeeding votes provided no other business intervenes and notice of possible five-minute voting is given. This change is technical in nature. [Rule XX, clause 9]

(o) Prohibition on limitation amendments for the administration of taxes and tariffs and on measures restricting imports. Expands the application of clause 5(a) of rule XXI to include as a tax or tariff measure a floor amendment limiting funds in a general appropriation bill for the administration of a tax or tariff. [Rule XXI, clause 5(a)]

(p) Motions to instruct during conference. Permits further motions to instruct to be offered after 20 calendar days, but not less than 10 legislative days. [Rule XXII, clause 7(c)(1)]

(q) Fiduciary relationship exemption for physicians. Redefines a fiduciary relationship as not including "the practice of medicine," thereby allowing dentists and physicians to earn outside income up to \$22,500. [Rule XXV, clause 2]

(r) Perishable food as gift. Provides that the value of perishable food sent as a gift to an office shall be allocated among the individual receipts and not to the Member. [Rule XXV, clause 5(a)(1)(B)]

(s) Gift ban exemption for charity travel. Clarifies the gift ban to allow Members to be reimbursed for travel and lodging expenses by a charity organization, in cases where the net proceeds of the event go to a qualified charity, and the invitation is issued by the charity. [Rule XXV, clause 5(a)(4)(C)]

(t) Statutory limit on public debt. (reinstates "Gephardt Rule", former Rule XXIII of the 106th Congress.) Provides for automatic House passage of joint resolution increasing the statutory limit on the public debt when the House agrees to a budget resolution that requires such an increase. The amount of the increase in the joint resolution conforms to the level established in the budget resolution. The final House vote on the budget resolution shall be deemed the vote on the joint resolution. [New Rule XXVII, former Rule XXVII redesignated as Rule XXVIII]

(u) Technical corrections. Technical and grammatical changes are made throughout the rules of the House, including those correcting changes that were made as a result of the recodification of the House rules.

#### SECTION 3. SEPARATE ORDERS

(a)(1)-(a)(3) Continuation of budget enforcement mechanisms from the 107th. This order clarifies that section 306 of the Budget Act (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) only applies to bills and joint resolutions and not to simple and concurrent resolutions. It also makes a Section 303 point of order (requiring adoption of budget resolution before consideration of budget-related legislation) applicable to text made in order as original bill by a special rule. Specified or minimum levels of compensation will not be considered as providing new entitlement authority.

(a)(4) Continuation of budget "deeming" resolution from the 2nd Session of the 107th Congress. This order establishes that the provisions of House Concurrent Resolution 353 as adopted by the House in the 107th Congress, shall have effect in the 108th Congress until such time as a conference report establishing a budget for the fiscal year 2004 is adopted.

(b) Extra subcommittees for Armed Services, International Relations, and Transportation & Infrastructure. A waiver of Rule X, clause 5(d), is granted for International Relations, Transportation & Infrastructure, and Armed Services for 6 subcommittees in the 108th Congress.



(e) Numbering of bills. In the 108th Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.

(d) Wednesday suspension day. During the first session of the 108th Congress, motions to suspend the rules shall be in order on Wednesdays through the second Wednesday in April.

#### SECTION 4. SELECT COMMITTEE ON HOMELAND SECURITY

This section establishes the Select Committee on Homeland Security for the 108th Congress. It establishes that the Select Committee will have legislative jurisdiction to develop recommendations and report to the House by bill or otherwise on such matters that relates to the Homeland Security Act of 12002 (P.L. 107-296).

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all remember how partisan, divisive and, most importantly, unproductive the last Congress was. Despite the President's campaign promise to change the tone in Washington, nothing really changed in the way Republicans ran the House of Representatives. In fact, over the past 2 years, the Republican majority had a well-established and easily documented track record of denying the minority a voice in proceedings and deliberations of the House, and that, unfortunately, played a large role in the failure of the Republican Congress to address America's critical concerns, from the economy and homeland security to health care and retirement security.

But, in the spirit of the new year, Mr. Speaker, Democrats came to the floor today hoping that Republicans might turn over a new leaf, that they might agree to a rules package to operate the House as a deliberate, democratic institution in which all points of view have a right to be heard. Unfortunately, the package before us only makes things worse, making changes that only assure that the voice of the minority will be heard less and less. For that reason, I rise in opposition to H. Res. 5. I will offer a motion to commit at the end of this debate, and I urge every Member of this body who believes that all of the American people have a right to be heard and a right to participate in a democratic, small "d", institution to vote for it.

Mr. Speaker, this is not the Politburo; this is the United States House of Representatives. It is high time that the majority remembered that very clear distinction. We are not here to raise our hands in unison; we are here to debate what is in the best interests of this country, and there are many differing views in this body about how to achieve that end. Those views should and must be heard.

Mr. Speaker, I would like to take a few minutes to explain why I and the Democratic Caucus oppose these rules changes proposed by the Republican majority. As I said, we see these changes, along with the majority's

record of stifling dissent, as counterintuitive to the notion of the democratic process. We see some of these changes as fig leaves or, as my good friend the gentleman from Wisconsin (Mr. OBEY) is often heard to say, giving Members a chance to pose for holy pictures. We see some of these changes as attempts to cover up what is really happening in terms of the Federal budget, both on the spending and tax sides. And finally, we see some of these changes as allowing Members to skirt the intent of the ethics rules in this body, something that only sullies the reputation of an honorable institution.

For example, the majority took great pains in 1995 to abolish the practice of proxy voting. I am not here to pass judgment on that old practice. I can only say that the Republican majority condemned Democrats when we held the majority for allowing Members to vote by proxy in committee. However, the Republican majority has encountered some of the same problems that made proxy voting a useful tool for committees to get their work done. Because the Republican majority has refused to negotiate committee ratios that accurately reflect and fairly reflect the numbers in this body, their Members have been spread too thin and oftentimes must choose between one committee's proceedings and another.

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Consequently, there have been a number of markups held where Democrats have been able to pass amendments because some Republicans have voted for those amendments and because other Republican Members have been absent. The majority has decided that the best way to deal with those rare occasions in which Democrats actually win a vote is to ensure that votes cannot be taken until the Chair of the full committee or a subcommittee has all the votes in the room, somewhat akin to proxy voting.

This change proposed by the majority would allow those Chairs to postpone indefinitely votes on ordered questions. There is no definition in the rule about when votes must be called by, and there is no definition in the rule for what constitutes reasonable notice.

Frankly, Mr. Speaker, this rule is a recipe for autocracy in the committees of this body. My motion to commit will delete this provision from the package of the rules for the 108th Congress.

Secondly, the Republican majority seems intent on cooking the Federal budgetary books in so many ways that a new recipe was sure to find its way into this package, and so it has. The majority has now included a rule providing that no tax bill may be considered unless the Joint Committee on Taxation has included an analysis in the report accompanying that bill on the macroeconomic impact of such legislation. And just what is the macroeconomic impact? Why, it is nothing

more than dynamic scoring, a methodology that has been discounted and outright dismissed by any economist worth his or her salt, including the chairman of the Federal Reserve.

As Chairman Greenspan has said about dynamic scoring: "The analytical tools required to achieve it are deficient . . . no model currently in use can predict macroeconomic effects without substantial ad hoc adjustments that effectively override the internal structure of the model." In other words, Mr. Speaker, it does not work, an example of what President Bush had called "fuzzy math."

Yet, the Republican majority persists in believing that this bogus economic analysis of tax policy is real and reliable. But I would contend the only real thing that is real and reliable about dynamic scoring is that it will serve as a cover-up for the true impact of the losses of revenue to the Federal Treasury generated by tax cuts endorsed by this White House and the Republican majority. My motion to commit will delete this provision from the package of the rules of the 108th Congress.

Motions to instruct conferees have been successfully used by Democrats and, may I add, by the Republicans when they were in the minority, to fight for important issues like aviation security when otherwise denied that ability by the Republican majority. Because Democratic Members are far too often shut out of the deliberative process when a bill reaches the floor, a motion to instruct is sometimes the only way a Member might be able to bring an issue up for discussion. But the Republican majority, who did not seem particularly anxious to do much work in Washington in the past 2 years, considers these attempts to open the discussion in the House as a nuisance, rather than as a means to bring democracy back to the institution.

So Republicans have an amendment in this package that further restricts the right of any Member, Republican or Democrat, to offer a motion to instruct by requiring that in addition to the 20 calendar days from the time a conference is appointed, 10 legislative days must elapse. The new rule is so loosely drafted that it is questionable whether those 20 calendar days and 10 legislative days run concurrently or not. Either way, since this body is in session so seldom, 10 legislative days would fill up an entire month, further delaying the ability of Members to bring up legitimate issues relating to those bills submitted to conference.

Mr. Speaker, this provision is such a blatant slap in the face of the democratic process in the House of Representatives, the Republican majority should hang its collective head. For that reason, my motion to commit will strike this amendment from the rules package.

Mr. Speaker, since I have been in Congress, I have had the opportunity to serve on two special committees created for the purpose of revising and

strengthening our ethics rules and regulations. The Republican majority made much of past abuses in this body, in spite of the fact that Members on both sides of the aisle were caught in these situations. Yet, now the Republicans believe they have such a safe and secure majority for the foreseeable future, they want to undo some of the significant strides that were made by these two special committees.

The Republican majority has opened a proverbial can of worms by including several items in their package. The first might be called the "pizza rule." Because some outsiders like to provide large quantities of free food and drink to Members' offices night after night, this new Republican provision would carve out an exception to the gift rule.

We also have the "I have a second job and I want to get paid for it" rule. Members are currently prohibited from acting in certain fiduciary capacities and thus are not allowed to receive compensation for practicing a profession that offers services involving a fiduciary relationship.

Mr. Speaker, no matter how worthy a profession might be, why should we create a special exemption in the rules for the practice of medicine? If we do it for one, why not everyone? I think this House would be far better served if we just kept the rule the way it is now.

For these reasons, my motion to commit will strike the provisions in the rules package that relate to ethics rules.

My motion to commit also strikes two separate orders contained in section 3 of the resolution. The first provision I will seek to strike establishes the budget resolution adopted by the House in the second session of the 107th Congress as in effect in this Congress until such time as a conference report establishing a budget for fiscal year 2004 is passed.

Mr. Speaker, my Republican colleagues will say this will merely allow the House to finish work on the appropriations bills for fiscal year 2003. Perhaps we should have done that in the 107th Congress rather than waiting to do it in the 108th Congress, with budget numbers outdated and unrealistic given the current economic circumstances.

In addition, the appropriations number in the House-passed budget resolution of the 107th Congress is \$749 billion; yet, the Republican leadership has agreed with the White House on budget numbers exceeding that figure. In addition, the budget resolution of the second session of last Congress maintains highway numbers that are also outdated and which, frankly, are not good policy. For example, those numbers will not allow for increased highway construction money that might be prudently spent throughout the country to create jobs and restore crumbling infrastructure.

Secondly, in furtherance of the Republican majority's agenda to stifle debate by cutting debate, cutting off

amendments, and staying out of town as much as possible, this package contains a separate order that will make Wednesday a suspension day through the second Wednesday in April. Now, this order will certainly cut down on the work of the Committee on Rules, since one of our best work products has been a rule making Wednesday a suspension day. But Democrats believe that far too many bills are considered under suspension already and that the House is thus denied the opportunity to fully debate and amend legislation.

In my motion to commit, this provision would be stricken; but we have also included language that calls on the Republican majority to bring up fewer, rather than more, bills on suspension, and that no bill should be considered on suspension if it authorizes or makes appropriations in excess of \$100 million. There is ample time in our calendar to spend on the floor debating legislation. We should not be institutionalizing shortened weekdays and cutting off debate.

We have also included in the Democratic motion to commit language calling on the Republican leadership to ensure that the minority party will be able to fully participate in the legislative process. We have recommended that they strive to ensure that five "good government" ideas are followed in the House.

First, so that Members might know what they are voting on when they vote, we call on the Republican leadership to ensure that Members have conference reports available to them 3 calendar days before such a conference report is considered in the House; and at the very least, at a bare minimum, no conference report should come to the floor unless every Member has had 24 hours to review it; not exactly a revolutionary concept.

Second, we asked the Republican leadership to reduce the number of waivers contained in rules reported from the Committee on Rules. This is especially important in the consideration of bills that have been reported and that go straight to the floor. Many times, even members of the committee of jurisdiction are not sure if the bill that comes to the floor is the same bill that was reported, and it would only enhance the legislative process and democracy if Members had adequate time to review legislation.

Third, we call on the Republican leadership to allow the House to debate and amend legislation by reducing the number of important bills that are considered on the suspension calendar.

In that regard, we are, fourthly, asking that the majority ensure that more alternatives and substitutes be allowed in rules adopted by the Committee on Rules.

Finally, we ask the Republican leadership to allow more legislation to be considered on the floor under open rules so that more Democrats may offer amendments.

Finally, Mr. Speaker, Democrats must raise strong objections to the

manner in which the Republican leadership has gone about creating a Select Committee on Homeland Security. This provision was added last night with no consultation with the minority, and we believe that is no way to begin a new Congress when the issue of homeland security is one that does not belong to either party. We are all Americans here, and we should be involved in the deliberations surrounding the provisions of the Homeland Security Act.

Mr. Speaker, I know our motion to commit will not pass today; but I do believe it is important that we talk about these issues, because in the long run it is for the good of the institution. I am proud to serve here, and I am proud to represent the people of my congressional district. I think that I, along with every other Member of this body, should be able to fully participate in the process of making laws, setting policy, and determining the course of this Nation in the years to come.

While I recognize that he with the most votes wins, I also know that if someone has the most votes, they should not fear an opposing point of view. For too long the Republican Party has seemed, through their words and actions, to fear dissent among their own ranks, as well as the opposing view that may be held by the minority. We are a democracy; and we should never forget that, for in a democracy the rights of the minority are protected while at the same time advancing the will of the majority. I hope my Republican colleagues will remember that in the 108th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I was inclined early on to believe that my friend, the gentleman from Texas (Mr. FROST), might be supportive of our package; but I have now come to the conclusion that he would at best be undecided on our package, and he has raised a number of questions.

I believe that I should say that we clearly plan to work in the area of homeland security with my friend, the gentleman from Texas, and other members of the minority in addressing issues of concern when we proceed with this very important work. We want to work in a bipartisan way; and I happen to believe that this package which we have come forth with will, as I said, increase the accountability and deliberative nature of the institution. I would hope that we could have both Democrats and Republicans supporting it.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise in opposition to the rules package before us today. While it contains several



items which I support, particularly the deeming resolution setting spending limits for the unfinished appropriation bills, the package contains two items which tilt the rules in favor of policies which will more easily send our Nation further into red ink. I would ask the majority to reconsider both of these proposals.

One of the reforms the majority made with great fanfare as part of the Contract with America in 1995 was repeal of the Gephardt rule, which would spin off separate legislation increasing the debt limit upon passage of the debt resolution without a separate vote or opportunity for debate on the amendments.

Now that our national debt is growing at a record pace under their policies, less than 6 months ago the administration asked us to increase the debt ceiling by \$400 billion; Christmas Eve, the administration is asking us to increase the debt ceiling again to \$6.4 trillion.

The majority now, under their rules package, has decided that greater openness and accountability regarding our national debt perhaps is not such a good thing after all. I ask Members to reconsider that. Just as credit card spending limits serve as tools to force families to examine their household budgets, the statutory debt limit reminds our Nation to more closely evaluate taxing and spending policies. Reviving the Gephardt rule will allow Members to avoid taking responsibility for paying the bills we incur by our votes.

Now, the implementation of dynamic scoring also should raise a red flag to those who call themselves conservative in this body. Under the logic of those advocating dynamic scoring, the tax cut we passed last year should have resulted in greater surpluses than was being projected last spring. We can disagree about the extent the tax cut contributed to the return of the deficit, but it is clear that it did not have a dynamic effect on producing higher surpluses and revenues.

The conservative approach, to me, is to be conservative in budget projections. If we err on the side of being conservative and cautious, Congress can easily deal with the problem of having more money than was projected. But when we err on the side of being too optimistic, we have a much greater challenge in dealing with fiscal problems such as those before us now.

We are paying the price today for ignoring the warnings of experts in the past. We should not ignore the warnings of those that say changing to dynamic scoring will contribute to further problems of the deficit and debt of this country.

Vote "no" on the rules changes; vote "yes" on cutting the interest taxes on the American people.

□ 1500

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, the proposal to create a new Select Committee on Homeland Security interestingly does not make any changes in the legislative jurisdiction of the committees outlined in rule 10 of the rules of the House. For instance, in the Committee on Transportation and Infrastructure we have handled complex aviation security issues for 28 years. We have held dozens of hearings, classified briefings on aviation security. We have monitored security at U.S. and foreign airports. We have passed landmark legislation like the Aviation Security Improvement Act of 1990 in response to the terrorism attack on Pan Am 103, and in the aftermath of the September 11, the Aviation and Transportation Security Act of 2001. We have a great body of expertise on aviation security issues and the legislation to improve security.

Now, I am puzzled that a moment ago the Speaker said the "select committee will be our eyes and ears of the House. The standing committees will maintain their jurisdictions and will still have authorization and oversight responsibilities."

Now I take that to mean that nothing in the package would deprive the House of the American people of the expertise of the committee and the members and staff of the Committee on Transportation and Infrastructure. But it is not clear, the legislative proposal on the select committee includes "matters that relate to the Homeland Security Act of 2002."

As I read the proposal, the new committee would not have primary jurisdiction over legislation involving programs administered by the Department of Homeland Security. The explanation offered a moment ago by the distinguished chairman of the Committee on Rules does not clarify that jurisdictional question.

Now, let me pose an issue. Title 14 of the Homeland Security Act, entitled Arming Pilots Against Terrorism, establishes a program to deputize airline pilots as Federal law enforcement officers and enables them to carry firearms on board a plane. That provision was based upon a bill developed in our committee which passed the House. The question is, if a new bill were introduced to repeal that rule, would that bill be primarily referred to the Committee on Transportation and Infrastructure or to the Committee on Homeland Security? I would ask the gentleman that. Would the gentleman respond?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let me just say that it is very clear that the Speaker does have authority to refer legislation, and it is his intent to ensure that we maintain the jurisdiction

of those committees. And the expertise that the gentleman offered on this very important issue, and I remember his testimony upstairs in the Committee on Rules on this, it will be very valuable as this issue is addressed. And it is quite possible that the gentleman may or a member of his committee may be a member of the Select Committee on Homeland Security. So I can assure the gentleman that we are going to do everything possible to keep the expertise that is out there involved in this process.

Mr. Speaker, I thank my friend for yielding.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, last fall it took weeks for the Members of the House, the press and the public to figure out who inserted a special interest provision in the homeland security bill to exempt Eli Lilly and other manufacturers of thimerosal. We did not know the provision was in the bill before we voted on it. After it was found we could not figure out how it got there. Now that is no way to make law.

This is why I am supporting the motion to commit which would mandate that conference reports are made available to Members at least 24 hours before a vote. This requirement would not be permitted to be waived.

Members of this body deserve to know what they are voting on. The practice of sneaking in unrelated provisions in thick conference reports in the dead of night is unacceptable. The reason it is done is to cause Members who normally would not support a provision to do so by burying it in a conference report at the last minute when there is little chance for it to be found.

The thimerosal exception that was slipped into the Homeland Security bill is a prime example. The thimerosal exemption was a big Christmas gift to Eli Lilly and other thimerosal manufacturers. In the last election cycle is it any surprise that Eli Lilly was one of the top pharmaceutical contributors, giving \$1.6 million? In return, they got a thimerosal exception that they have been lobbying for all year. Eli Lilly's first attempt was last spring when it placed the exemption in the comprehensive bill, but since the bill did not get anywhere in the Subcommittee on Health, it switched tactics to get the exemption in Homeland Security.

The exemption effectively shields Eli Lilly from all lawsuits from claimants injured by thimerosal. One of the concerns being expressed is that there is a possible link between thimerosal and autism. The exemption even closed the door on litigation that was ongoing at the time the legislation was passed. It is time to open the conference process and stop the back room political maneuvers that lead to secret provisions. We must stop the abuses of the congressional process. We must allow Members to know what they are voting on. Support the motion to commit.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this rules package is a very important continuation of the majority's effort to shut down democratic debate. The ranking minority member spoke about this rule allowing the chairs of committees to roll votes. Basically what it represents is a willingness of the Republican Members to roll over, to beg, to sit up and do whatever their leadership tells them, because what this does is degrade the possibility of democratic debate in committees.

People not familiar with the jargon probably do not fully understand what is being proposed. You will go to a committee session, a markup as we call them, and vote on the legislation, and you will offer an amendment to try to change things. Under these rules you may very well not know whether your amendment has won or lost. There will be a debate on the amendment and the Chair of that committee can then postpone the voting on that amendment until the end of that session. And what do you do if you have offered an amendment that might be somewhat controversial that has a chance to pass? What do you do if you could have passed the amendment if you have made a slight change? How do you then decide what to do next? Obviously there is no way you can have a rational debate in a committee if, having offered an amendment, you cannot tell whether or not that amendment has passed or not.

So what this does is simply ratify the Republican approach, which is all power is lodged in whatever leadership is in charge at the particular moment and the Members are to be excused from the irritation of having to think about it. When the majority came to power in 1995 they wanted to give it a proxy. They said the problem with proxy voting is that people vote without listening to the debate. They are not there. They vote by proxy. So they have now come up with a proposal that has all of the abuses of proxies and none of the efficiencies. At least proxies allowed you to determine an issue one at a time.

What will happen is you will go to a committee meeting. Members will not be there. They will troop in obediently at the end and vote as the Chair tells them, and it will have destroyed the possibility of debate earlier because you simply cannot logically legislate if you do not know what the outcome has been of these amendments.

Now the majority has succeeded in a number of ways in this House, during my tenure here with their being in control, in shutting down debate. I have to say that sadly they have had an accomplice in this, the media. We had wide coverage in the press gallery of our ceremonial oath taking. Now that we are dealing with extremely controversial measures that will further the degrada-

tion of democracy in the U.S. House of Representatives, very few people are here to cover it. So I guess they will once again get away with it. But the consequence will be very clear. The extent to which there is now rational debate and openness in the committees will be substantially diminished.

The Republican leadership is apparently willing obediently to vote for this rules package, although I am told that many of them objected to parts of it, to give once again their right to make decisions to their leadership.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

(Mr. MOORE asked and was given permission to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, I rise in opposition to the House rules package the majority is proposing for the 108th Congress.

The majority has turned its back on fiscal responsibility by attempting to hide large future increases in our national debt by reinstating the so-called "Gephardt Rule." This rules change will allow the House to avoid a separate vote on the debt limit, preventing full and open debate on a policy with long-term consequences to our Nation's fiscal health.

Last June, Mr. Speaker, we had a full debate as Congress raised the limit on the debt by \$450 billion. I opposed this increase because the House failed at that time to reevaluate the policies that required us to increase the statutory limit on debt in the first place. But at least, at least we had a debate.

An increase in the debt limit should require action by Congress and the President to put the fiscal house back in order. But now the majority party is resorting to the tactics that they opposed just last year. They are attempting to hide votes to increase the national debt by reviving this rule.

The majority will eagerly support the President's proposal to be unveiled today which will add more than \$600 billion to the debt over the next 10 years. They should be willing to stand up and be counted when the time comes to pay the bill by raising the debt limit. The new proposed rule will allow the majority to avoid taking responsibility for paying our bills. The majority's rule will impose a new tax, a debt tax, a tax equal to the interest payments on our \$6.2 trillion national debt, a tax that cannot be repealed.

Mr. Speaker, I urge my colleagues to vote for the motion to recommit and oppose the rules package that will result in a new debt tax increase for all Americans.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York (Ms. SLAUGHTER) has 4½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

(Mr. SHERMAN asked and was given permission to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise to address section 2(J) of these rules providing for dynamic scoring of tax bills. I thought the Arthur Andersen accounting firm had been dissolved. Instead it is being moved wholesale into the Committee on Ways and Means and the Joint Committee on Taxation.

With dynamic scoring, every tax cut for the wealthy can be scored as making money for the Treasury. The first President George Bush described this as voodoo economics, while the advisors unfortunately of the current President seem nostalgic for supply-side trickle down economics.

The proof that dynamic scoring makes no sense is that dynamic scoring is provided in these rules for money spent to improve our economy. So if we were to spend \$100 billion over 10 years improving vocational education, virtually every economist would agree that that will at least help our economy, maybe will help our economy to the point where the tax revenues outweigh the expenditures. And yet there is no recognition of the fact that spending money on education produces money eventually for our Treasury.

In contrast, if we were to spend \$100 billion over 10 years by giving tax breaks to the wealthiest Americans, some economists would say the cost of the Treasury exceeds \$100 billion because it will have an adverse impact on our economy, drive up interest rates, et cetera. And yet instead we will no doubt get a dynamic score that says tax cuts do not cost the Treasury any money but spending on education, oh, that costs.

That is why Alan Greenspan told us that unfortunately the analytical tools required to achieve dynamic scoring are deficient. Accordingly, we should be especially cautious about adopting technical scoring procedures that might be susceptible to overly optimistic assessments.

In summary, the currently relatively straightforward scoring has served us well. I think Mr. Greenspan is correct.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes, the remainder of my time, to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, we are barely 3 hours into this Congress and the political hedonists of this Congress have struck their first blow. You know hedonism, if it feels good do it regardless of the consequences.

Well, that is exactly what those people who have voted repeatedly to raise the debt limit and to stick our children and our children's children with our bills have done. Now they want to do it even better.

One of the few things that controlled their urge to run up the bill and stick our kids with it was at least a law that

said we had to vote to raise the debt limit. Now they want to do away with that law. They want a rule that says if they pass a budget we do not have to raise the debt limit.

I would remind them that in the 19 months since the Bush budget became law, that we have stuck our children and our children's children with \$749,529,498,242 worth of new debt. It did not stimulate the economy. It stimulated the debt. It is political hedonism. You heard it here first. You are going to hear it a lot.

Just a little while ago the Speaker of the House said, "We pledge to fight those who would endanger our freedom." Those of you who would bankrupt our Nation will destroy our freedom. And, therefore, just as the Speaker pledged to fight those who would endanger our freedom, I pledge to fight you tooth and nail on every effort to increase the national debt and every effort to hide the way that you do it.

□ 1515

The last time we had to have a vote, it was scheduled for three o'clock in the morning.

My dad's taught me a lot in life; but generally, one of his best rules is anything a person does past midnight, they are probably not very proud of, and I am sure my colleagues were not proud of the fact that they raised the debt limit. So now my colleagues do not want to have that vote at all.

Mr. Speaker, I am opposing these rule changes; and I would ask every Member to do so who believes in accountability, believes in standing up and talking to the citizens and saying, yes, I did that and this is the reason why or, no, I did not oppose this rule. If my colleagues have come here to hide from the truth, if they have come here to stick their children and their children's children with their bills, then vote for it.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, we began today with wonderful bipartisan statements that came from both the gentlewoman from California (Ms. PELOSI), the new minority leader, and the gentleman from Illinois (Mr. HASTERT), the Speaker, right behind me here in this Chamber; and we want to see that spirit continue today, and obviously we very much want to have that spirit continue through this 108th Congress because we have many very serious challenges that we face as a Nation.

Number one, of course, is our national security and, along with that, homeland security, the challenges abroad. Right next to that, of course, is focusing on getting this economy moving, which the President talked about earlier today in Chicago; and as we look at this opening day rules package, I am very proud of the fact that it does more to focus on the very important issue of minority rights than anything that was done by my friends on the other side of the aisle during their 4

decades of uninterrupted, one-party control of this institution.

If my colleagues look at the reforms that we have maintained we initiated once we became a majority and frankly built upon, they do, in fact, increase the accountability and the deliberative nature of this Congress. We have items that are included in this measure which guarantee the minority the right to offer a motion to recommit on legislation.

Mr. Speaker, I had the privilege of serving for 14 years here in the minority until in 1994 we won the majority. During that period of time, there were numerous occasions when the then-Republican minority was denied the chance to even offer a motion to recommit.

Something else that we have done that we are very proud of, Mr. Speaker, again focusing on minority rights, has been to ensure that one-third of the funding level for minority staffing on committees is provided to the minority. Once again, during the 14 years that I was privileged to serve here in the minority, we saw numerous occasions when the then-Republican minority was denied the chance to have even a modicum of investigative staff on certain committees; and the numbers were very, very heavily skewed against the then-Republican minority. We are providing a much higher level of funding for the Democratic minority.

Also, we heard this discussion earlier about the issue of proxy voting. The issue of proxy voting had to do with committee chairmen arbitrarily utilizing the proxy of Members who were not even in the room, in the building, quite possibly they were not even in our Nation's capital; and yet their votes were being cast on issues that they may not have even known about. So we chose to bring an end to proxy voting.

Mr. Speaker, one of the things is that we have learned that we do have a very narrow majority. It is a little greater than in the 107th Congress, I am happy to say; but it is still the second narrowest in recent times, and we do have the challenge of trying to manage and move very important legislation through this body.

Mr. Speaker, I believe that we have, as a Republican majority, learned from some of the actions of the Democratic majority; and we went, as I said, for 4 decades without being in the majority. We served in the minority. It took us time to learn about the process of governing. We were not able to do that overnight, and so I will admit there are some modifications that we have made, and providing the opportunity for committee chairmen, obviously working, as has been the case in the 107th Congress and earlier Congresses, with the minority to roll votes in committee while guaranteeing Members the opportunity to offer second-degree amendments is something that will again enhance the ability to move legislation effectively; and we hope, as has

been the case in the past, that much of that will be done in a bipartisan way.

We have established this Department of Homeland Security. We do have dynamic scoring. I know there was concern raised about that. It is a very, very small consideration. The Office of Management and Budget, the Congressional Budget Office will not be engaged in this; but we will see the Joint Committee on Taxation doing it. Why? Very simply, because we believe that behavioral patterns should be taken into consideration when we look at the impact of a tax cut on the flow of revenues to the Federal Treasury.

Today, I introduced legislation which reduces the top rate on capital gains from 20 percent down to 10 percent. I introduced it perspectively, encouraging the American people to once again invest, to get into the market and to invest. What the bill that I have introduced basically says is that during a 2-year period, if people invest and they hold on to that asset for 1 year, they will be able to see a tremendous cut, a cut of one-half, from 20 percent down to 10 percent and from 10 percent to 5 percent for those in the 15 percent bracket.

Mr. Speaker, I would argue and I believe that every shred of evidence over the past and with the scoring procedure that we have put into place will show that the rich pay more in taxes. Why? Because we have often a lock-in effect. More than half the American people are members of the investor class today. People are invested in markets through 401(k)s, individual retirement accounts. They have got some appreciated assets with real estate homes and all, and we know that the market has dropped tremendously, but the President's plan is encouraging economic growth.

We, in the bill that I have just introduced in a bipartisan way, are encouraging economic growth with that as well; and with economic growth, Mr. Speaker, we are going to see an increase in the flow of revenues to the Federal Treasury. That is what the scoring procedure that we have put into place for the Joint Committee on Taxation will do. It will simply provide that information, making that information available.

So we have a very fair, balanced measure here which again increases the deliberative nature of this institution and does increase the accountability.

On the issue of the debt limit, every Member will be accountable because that vote will be cast when we deal with the budget resolution itself. So we are going to see every Member accountable for their votes that they cast right here.

We have spectacular leadership from Speaker HASTERT. This is a measure that will allow him to deal with the very serious challenges that our Nation faces in the 108th Congress.

Mr. DINGELL. Mr. Speaker, I rise in opposition to the House Rules packages being offered today by the majority. Over the previous

four Congresses, which have been controlled by the Republican party, the House rules became increasingly hostile to the rights of the minority. This proposal continues that trend.

Let there be no misunderstanding—when I speak of the rights of the minority I am speaking of the rights of the 47 percent of all Americans who are represented by Democratic and Independent Members of Congress. It is their rights which are being abused when their Member of Congress is treated unfairly.

For example, the right of all Members, and particularly the minority, to file its views on legislation reported by a committee, has been reduced to 2 days. During the 40 years of Democratic control the minority was always permitted 3 days.

Similarly, committee ratios have been consistently stacked against the minority. For example, on the Committee on Energy and Commerce, during Democratic control the majority representation of the committee was always within two percentage points of its ratio in the House, and the difference averaged less than one percent. In the past three Congresses, under Republican control, the difference was more than 3 percent. In short, the Republican majority has robbed the Democratic minority of seats they deserve in our committee.

In the last Congress, the Republican rules package radically changed the jurisdiction of the Energy and Commerce Committee by transferring its jurisdiction over securities and insurance to the Committee on Financial Services. This change was done without a single hearing at which Members of the majority or minority were permitted to present their views, or without a single markup at which minority Members could vote or suggest alternatives. Now the Republican majority is doing the same thing with the establishment of a Select Committee on Homeland Security.

The majority has not only trampled upon the rights of the minority, but also upon the rights of individual citizens. For example, Republicans eliminated a longstanding rule of the House that permitted individuals who were required to appear before a committee under a subpoena the right to have television cameras turned off. The rule had permitted all other media to cover the hearing, but the rule gave the witness the right to some level of fairness.

In this context, I look with interest every year to see what new rules will be adopted in response to the majority's irritation with the minority's invocation of its merger remaining rights.

This year there are several interesting changes. Perhaps the most interesting one is the permission to committees to adopt rules allowing the chairman to postpone votes on bills and amendments in committee. When my Republican colleagues took control of the House they complained that proxy voting permitted Members to cast votes on matters without attending the debate that accompanied the matter. It now appears that by permitting votes to be postponed to a time certain, Members will no longer have to attend committee markups while important amendments are being debated. Instead, they will merely have to show up at a specified time to vote. It sounds an awful lot like proxy voting to me.

Another rule change stretches out the length of time before the minority may offer motions to instruct conferees by requiring a minimum of 10 legislative days. Again, this rule limits minority rights.

While some rule changes are technical in nature, it appears that the other substantive amendments are designed to make it easier for my Republican colleagues to plunge our Nation further into debt. Not satisfied with throwing away the progress made during the Clinton administration, which changed annual budget deficits to surpluses, the Republicans in the last Congress immediately threw the country back into budget deficits while raiding our Social Security and Medicare trust funds.

While they seemed to take delight in placing more and more tax cuts on the Floor during the past Congress, it was a lot more painful for them to figure out how to pay for them. So this year they are adopting a host of rules to hide their budget profligacy. No longer will they require Members to vote on raising the statutory limit on the debt. Now their vote on the budget resolution will automatically raise the debt limit.

Moreover, the rules continue the so-called "deeming" resolution, which allows the House to pretend it has adopted a binding budget resolution when in reality, only one House has acted. The rules would also require the Ways and Means Committee to include so-called "dynamic scoring" on amendments to the tax code. While "dynamic scoring" has no real definition, it is generally understood to mean a way to pretend that a tax cut increase revenues rather than decreasing them. We heard all of this same nonsense during the Reagan administration and talk about the Laffer curve. Ultimately, we saw only greater deficits.

Mr. Speaker, it is time for my Republican colleagues to stop playing games with the House rules. We must respect the rights of Democratic Members of this body, and more importantly, the rights of the 47 percent of Americans who they represent. We must stop using the House rules to make it easier to plunge the Nation into debt, while hiding raids on the Social Security and Medicare trust funds. The Republicans' procedural thumb on the scale demeans this institution and reduces its credibility.

Mr. OXLEY. Mr. Speaker, I rise today in strong support of H. Res. 5, the resolution providing for the rules for the House for the 108th Congress. This is an important package, with important reforms, for both the House and its committees.

In particular, I am pleased to see that the House is prepared to accept my proposal that committees be permitted postpone some votes during markups. As I explained in my testimony submitted to the Rules Committee, one of the biggest obstacles I faced during my first term as Chairman of the Financial Services committee was the limited House schedule, combined with multiple demands for Committee members' time. When the House is in session for 2½ or 3 days a week, and members routinely have 2 and 3 committee assignments, we are faced with a situation where it is next to impossible for authorizing committees to do their work. When the committees are unable to complete their work, it's hard to keep the floor in session. It is a vicious cycle, and we need new tools to address it.

That is why I suggested that the House change rule XI of the Rules of the House to permit committee chairmen to exercise authority similar to that of the Speaker in the House or the Chairman of the Committee of the Whole to postpone ordered record votes to permit the "stacking" of multiple votes. This is

a practice we are all used to when we vote in the House or the Committee of the Whole, and one that can be easily applied to committee practice.

It is important to note that nothing in this rules change will alter committee quorum requirements, or curtail other parliamentary options available to the Minority. Ultimately, this tool will be one of bipartisan convenience, rather than a tool to be used by the Majority to impose its will on the Minority.

I am pleased to see that this proposal is included in the rules package before the House today. I especially want to thank the Majority Leader, Mr. DELAY, the speaker, and the Chairman of the Rules Committee, the gentleman from California, Mr. DREIER, for their support of this change.

I believe this is an important provision in an excellent rules package, and I encourage all of my colleagues to support it.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

MOTION TO COMMIT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Ms. SLAUGHTER moves to commit the resolution H. Res. 5 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendments:

Amend section 2 of the resolution (relating to changes in standing rules) by striking amendments to the Rules of the House of Representatives relating to—

- (1) postponement of votes in committee;
- (2) requirement of dynamic scoring in Ways and Means reports;
- (3) motions to instruct during conference;
- (4) perishable food as a gift; and
- (5) gift ban exemption for charity travel; and
- (6) fiduciary relationship for physicians.

Further amend section 2 of the resolution by adding at the end the following new subsection:

(v) COMMITTEE RATIOS.—Clause 5(a)(1) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "The membership of each committee (and each subcommittee or other subunit thereof) shall reflect the ratio of majority to minority party members of the House at the beginning of the Congress. This requirement shall not apply to the Committee on Rules and the Committee on Standards of Official Conduct."

Amend section 3 of the resolution by striking subsection (a)(4) and subsection (d).

Amend the resolution by adding at the end the following new section:

#### SEC. 5. SENSE OF THE HOUSE.

It is the sense of the House of Representatives that it considers protection of the rights of the minority party to be able to fully participate in the legislative process to be of paramount importance and to that end, the Republican leadership of the House should:

- (1) Pursuant to clause 8(a)(1) of rule XXII of the Rules of the House of Representatives, ensure that conference reports be available to Members at least three calendar days prior to consideration, and that in no case shall they be brought up for consideration without 24 hours availability.

(2) Seek to reduce the number of waivers of the Rules of the House of Representatives contained in special order of business resolutions reported by the Committee on Rules.

(3) Seek to reduce the number of bills considered by suspension of the rules, especially those bills which are of major legislative importance as well as any bill that may make or authorize appropriations in excess of \$100,000,000 for any fiscal year.

(4) Seek to ensure that more alternatives or substitutes to legislation be allowed in any special order of business resolution reported by the Committee on Rules in order to ensure that differing viewpoints may be debated on the House floor which will open the democratic process in the House of Representatives.

(5) Seek to ensure that the Committee on Rules reports more open rules so that Members of the Democratic Caucus may offer amendments to committee bills, or in those cases where structured rules are reported, that more Democratic amendments presenting significant policy ideas and initiatives be included in those amendments made eligible for consideration by the rule.

The SPEAKER pro tempore. Without objection, the motion is considered as one to commit the resolution to a select committee composed of the majority leader and the minority leader.

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to announce that any Member-elect who failed to take the Oath of Office may present himself or herself in the well of the House prior to the vote on the motion to commit the resolution now pending or on any other rollcall vote.

The question is on the motion to commit offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 200, nays 225, not voting 8, as follows:

[Roll No. 3]

#### YEAS—200

Abercrombie	Capps	Doggett
Ackerman	Capuano	Dooley (CA)
Alexander	Cardin	Doyle
Allen	Cardoza	Edwards
Andrews	Carson (IN)	Emanuel
Baca	Case	Engel
Baird	Clay	Eshoo
Baldwin	Conyers	Etheridge
Ballance	Cooper	Evans
Becerra	Costello	Farr
Bell	Cramer	Fattah
Berkley	Crowley	Filner
Berman	Cummings	Ford
Berry	Davis (AL)	Frank (MA)
Bishop (GA)	Davis (CA)	Frost
Bishop (NY)	Davis (FL)	Gephardt
Blumenauer	Davis (IL)	Gonzalez
Boswell	Davis (TN)	Gordon
Boucher	DeFazio	Green (TX)
Boyd	DeGette	Grijalva
Brady (PA)	Delahunt	Gutiérrez
Brown (OH)	DeLauro	Hall
Brown, Corrine	Deutsch	Harman
Brown-Waite,	Dicks	Hastings (FL)
Ginny	Dingell	Hill

Hinchey	McCollum	Sabo
Hinojosa	McDermott	Sanchez, Linda
Hoefel	McGovern	T.
Holden	McIntyre	Sanchez, Loretta
Holt	McNulty	Sanders
Honda	Meehan	Sandlin
Hoyer	Meeks (NY)	Schakowsky
Inslee	Menendez	Schiff
Israel	Michaud	Scott (GA)
Jackson (IL)	Millender-	Scott (VA)
Jackson-Lee	McDonald	Serrano
(TX)	Miller (NC)	Sherman
Jefferson	Miller, George	Skelton
John	Mollohan	Slaughter
Johnson, E. B.	Moore	Smith (WA)
Jones (OH)	Moran (VA)	Snyder
Kanjorski	Murtha	Solis
Kaptur	Nadler	Spratt
Kildee	Napolitano	Stark
Kilpatrick	Neal (MA)	Stenholm
Kind	Oberstar	Strickland
Kleczka	Obey	Stupak
Kucinich	Oliver	Tanner
Lampson	Ortiz	Tauscher
Langevin	Owens	Taylor (MS)
Lantos	Pallone	Taylor (MS)
Larsen (WA)	Pascarell	Thompson (CA)
Larson (CT)	Pastor	Thompson (MS)
Lee	Payne	Tierney
Levin	Pelosi	Towns
Lewis (GA)	Peterson (MN)	Turner (TX)
Lipinski	Pomeroy	Udall (CO)
Lofgren	Price (NC)	Udall (NM)
Lowe	Rahall	Van Hollen
Lucas (KY)	Rangel	Velazquez
Majette	Reyes	Visclosky
Maloney	Rodriguez	Watson
Markey	Ross	Watt
Marshall	Rothman	Waxman
Matheson	Roybal-Allard	Weiner
Matsui	Ruppersberger	Wexler
McCarthy (MO)	Rush	Woolsey
McCarthy (NY)	Ryan (OH)	Wu
		Wynn

#### NAYS—225

Aderholt	Diaz-Balart, L.	Johnson (IL)
Akin	Diaz-Balart, M.	Johnson, Sam
Bachus	Doolittle	Jones (NC)
Baker	Dreier	Keller
Ballenger	Duncan	Kelly
Barrett (SC)	Dunn	Kennedy (MN)
Bartlett (MD)	Ehlers	King (IA)
Barton (TX)	Emerson	King (NY)
Bass	English	Kingston
Beauprez	Everett	Kirk
Bereuter	Feeney	Kline
Biggart	Ferguson	Knollenberg
Bilirakis	Flake	Kolbe
Bishop (UT)	Fletcher	LaHood
Blackburn	Foley	Latham
Blunt	Forbes	LaTourette
Boehlert	Fossella	Leach
Boehner	Franks (AZ)	Lewis (CA)
Bonilla	Frelinghuysen	Lewis (KY)
Bonner	Gallegly	Linder
Bono	Garrett (NJ)	LoBiondo
Boozman	Gerlach	Lucas (OK)
Bradley (NH)	Gibbons	Manzullo
Brady (TX)	Gilchrest	McCotter
Brown (SC)	Gillmor	McCrery
Burgess	Gingrey	McHugh
Burns	Goode	McInnis
Burr	Goodlatte	McKeon
Burton (IN)	Goss	Mica
Buyer	Granger	Miller (FL)
Calvert	Graves	Miller (MI)
Camp	Green (WI)	Miller, Gary
Cannon	Greenwood	Moran (KS)
Cantor	Gutknecht	Murphy
Capito	Harris	Musgrave
Carter	Hart	Myrick
Castle	Hastings (WA)	Nethercutt
Chabot	Hayes	Ney
Chocola	Hayworth	Northup
Coble	Hefley	Norwood
Cole	Hensarling	Nunes
Collins	Herger	Nussle
Combust	Hobson	Osborne
Cox	Hoekstra	Ose
Crane	Hostettler	Otter
Crenshaw	Houghton	Oxley
Cubin	Hulshof	Paul
Culberson	Hunter	Pearce
Cunningham	Hyde	Pence
Davis, Jo Ann	Isakson	Peterson (PA)
Davis, Tom	Issa	Petri
Deal (GA)	Istook	Pitts
DeLay	Jenkins	Platts
DeMint	Johnson (CT)	Pombo

Porter	Sensenbrenner	Thomas
Portman	Sessions	Thornberry
Pryce (OH)	Shadegg	Tiahrt
Putnam	Shaw	Tiberi
Quinn	Shays	Toomey
Radanovich	Sherwood	Turner (OH)
Ramstad	Shimkus	Upton
Regula	Shuster	Vitter
Rehberg	Simmons	Walden (OR)
Renzi	Simpson	Walsh
Reynolds	Smith (MI)	Wamp
Rogers (AL)	Smith (NJ)	Weldon (FL)
Rogers (KY)	Smith (TX)	Weldon (PA)
Rogers (MI)	Souder	Weller
Rohrabacher	Stearns	Whitfield
Ros-Lehtinen	Sullivan	Wicker
Royce	Sweeney	Wilson (NM)
Ryan (WI)	Tancredo	Wilson (SC)
Ryun (KS)	Tauzin	Wolf
Saxton	Taylor (NC)	Young (AK)
Schrock	Terry	Young (FL)

#### NOT VOTING—8

Carson (OK)	Kennedy (RI)	Pickering
Clyburn	Lynch	Waters
Janklow	Meek (FL)	

□ 1553

Messrs. EVERETT, CASTLE, JONES of North Carolina, GARRETT of New Jersey, LEWIS of California, NORWOOD, PITTS, SMITH of Texas, and HUNTER changed their vote from “yea” to “nay.”

Messrs. LARSON of Connecticut, McDERMOTT, CARDOZA, PETERSON of Minnesota, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. STARK, Ms. LINDA T. SANCHEZ of California, Mr. RAHALL and Mr. CONYERS changed their vote from “nay” to “yea.”

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. BROWN-WAITE. Mr. Speaker, on rollcall No. 3, I inadvertently pressed the “aye” button. I meant to vote “nay.”

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 9, as follows:

[Roll No. 4]

#### YEAS—221

Akin	Brown-Waite,	Davis, Jo Ann
Bachus	Ginny	Davis, Tom
Baker	Burgess	DeLay
Ballenger	Burns	DeMint
Barrett (SC)	Burr	Diaz-Balart, L.
Bartlett (MD)	Burton (IN)	Diaz-Balart, M.
Barton (TX)	Buyer	Doolittle
Bass	Calvert	Dreier
Beauprez	Camp	Duncan
Bereuter	Cannon	Dunn
Biggart	Cantor	Ehlers
Bilirakis	Capito	Emerson
Bishop (UT)	Carter	English
Blackburn	Castle	Everett
Blunt	Chabot	Feeney
Boehlert	Chocola	Ferguson
Boehner	Coble	Flake
Bonilla	Cole	Fletcher
Bonner	Collins	Foley
Bono	Combust	Forbes
Boozman	Crane	Fossella
Bradley (NH)	Crenshaw	Franks (AZ)
Brady (TX)	Cubin	Frelinghuysen
Brown (SC)	Culberson	Gallegly
	Cunningham	Garrett (NJ)

Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Goode  
Goodlatte  
Goss  
Granger  
Graves  
Green (WI)  
Greenwood  
Gutknecht  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Johnson (IL)  
Johnson (NM)  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder

LoBiondo  
Lucas (OK)  
Manzullo  
McCotter  
McCrery  
McHugh  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy  
Musgrave  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Porter  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Toomey  
Turner (OH)  
Upton  
Vitter  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo

Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner

Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velazquez  
Visclosky  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

## NOT VOTING—9

Aderholt  
Bishop (NY)  
Clyburn

□ 1611

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KING of Iowa. Mr. Speaker on rollcall No. 4, my voting card did not function properly. Had it worked properly, I would have voted "yea."

Stated against:

Mr. BISHOP of New York. Mr. Speaker, on rollcall No. 4, I was unavoidably detained and I would have voted "no" on H. Res. 5.

## GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 5.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

## ELECTION OF MAJORITY MEMBERS TO COMMITTEE ON RULES

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 6) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 6

*Resolved*, That the following Members be, and are hereby, elected to the Committee on Rules: Mr. DREIER of California, Chairman, Mr. GOSS of Florida, Mr. LINDER of Georgia, Ms. PRYCE of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Washington, Mrs. MYRICK of North Carolina, Mr. SESSIONS of Texas, and Mr. REYNOLDS of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ELECTION OF MINORITY MEMBERS TO COMMITTEE ON RULES

Mr. HOYER. Mr. Speaker, by direction of the Democratic Caucus, I offer

a privileged resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 7

*Resolved*, That the following Members be, and are hereby, elected to the Committee on Rules of the House of Representatives: Mr. Frost of Texas, Ms. Slaughter of New York, Mr. McGovern of Massachusetts, and Mr. Hastings of Florida.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Ms. PELOSI. Mr. Speaker, I offer a resolution (H. Res. 8) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 8

*Resolved*, That, pursuant to the Legislative Pay Act of 1929, four of the six minority employees authorized therein shall be the following named persons, effective January 3, 2003, until otherwise ordered by the House, to-wit: George Crawford, Lorraine Miller, Cecile Richards, and George Kundanis, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94. In addition to the six minority employees authorized by the Legislative Pay Act, the Minority Leader may appoint and set the annual rate of pay for up to three additional minority employees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## DAILY HOUR OF MEETING

Mr. DREIER. Mr. Speaker, I offer a privileged resolution (H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 9

*Resolved*, That unless otherwise ordered, before Monday, May 19, 2003, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 19, 2003, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. DREIER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

## NAYS—203

Abercrombie  
Ackerman  
Alexander  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Ballance  
Becerra  
Bell  
Berkley  
Berman  
Berry  
Bishop (GA)  
Blumenauer  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Case  
Clay  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks

Dingell  
Doggett  
Dooley (CA)  
Doyle  
Edwards  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank (MA)  
Frost  
Gephardt  
Gonzalez  
Gordon  
Green (TX)  
Grijalva  
Gutierrez  
Hall  
Harman  
Hastings (FL)  
Hill  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee (TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick

Kind  
Klecza  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Millender-McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey